

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SimpleAir, Inc., a Texas corporation,

Plaintiff,

vs.

Microsoft Corporation, et al.

Defendants.

CASE NO. 2:11-cv-416 JRG

JURY DEMANDED

**JOINT MOTION TO DISMISS WITHOUT PREJUDICE CLAIMS AND
COUNTERCLAIMS BETWEEN SIMPLEAIR AND HUAWEI**

Plaintiff SimpleAir, Inc. (“SimpleAir”) and Defendants Futurewei Technologies, Inc. (doing business as Huawei Technologies (USA)) and Huawei Technologies Co., Ltd. (collectively “Huawei”) respectfully move the Court to dismiss without prejudice (1) SimpleAir’s claims against Huawei and (2) Huawei’s counterclaims against SimpleAir in the above-captioned case. The parties further move that each party shall bear its own costs, expenses, and attorneys’ fees.

Date: August 20, 2013

Respectfully submitted,

By: /s/ Simon Franzini

Simon Franzini

CA State Bar No. 287631

(admitted to practice before the U.S. District
Court for the Eastern District of Texas)

John Jeffrey Eichmann

CA State Bar No. 227472

(admitted to practice before the U.S. District
Court for the Eastern District of Texas)

DOVEL & LUNER, LLP
201 Santa Monica Blvd., Suite 600
Santa Monica, CA 90401
Telephone: 310-656-7066
Facsimile: 310-657-7069
Email: jeff@dovellaw.com

S. Calvin Capshaw
State Bar No. 03783900
Email: ccapshaw@mailbmc.com
Elizabeth L. DeRieux
State Bar No. 05770585
Email: ederieux@mailbmc.com
Capshaw DeRieux LLP
114 E. Commerce
Gladewater, Texas 75647
Telephone: (903) 236-9800
Facsimile: (903) 236-8787

**ATTORNEYS FOR PLAINTIFF
SIMPLEAIR, INC.**

/s/ Scott F. Partridge (signed with
permission)
Scott F. Partridge, Lead Attorney
State Bar No. 00786940
Email: scott.partridge@bakerbotts.com
Bradley Bowling
State Bar No. 24040555
Email: brad.bowling@bakerbotts.com
BAKER BOTTS L.L.P.
One Shell Plaza
910 Louisiana Street
Houston, TX 77002-4995
Telephone: (713) 229-1234
Fax: (713) 229-1522

**ATTORNEY FOR DEFENDANTS
FUTUREWEI TECHNOLOGIES, INC.
AND HUAWEI TECHNOLOGIES, CO.,
LTD.**

CERTIFICATE OF SERVICE

I hereby certify that the all counsel of record who are deemed to have consented to electronic service are being served this 19th day of August 2013, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Simon Franzini
Simon Franzini